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REMARKS

This Amendment is made in response to the Official Action mailed January 8, 2008. Claims 1, 4, 5, 8, 9, 11, 12, 14, 15 and 20 have been cancelled. Claims 2, 3, 6, 7, 10, 13, 16 and 21 have been amended. New claims 24-28 have been added. Accordingly, claims 2, 3, 6, 7, 10, 13, 16-19 and 21-28 are now pending in this application. Reconsideration and withdrawal of the objections to and rejections of this application are respectfully requested in view of the above amendments, and further, in view of the following remarks.

Claims 1-23 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for various reasons, in particular, for certain terms lacking antecedent basis. Applicant urges that claim 1 has been cancelled. Claim 24, the new primary independent claim, has been written, inter alia, to address the indefiniteness rejection. Therefore, Applicant submits that the rejected claims have been appropriately amended and are now in sufficient condition under Section 112, second paragraph. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-3, 5-12, 16-20, 22 and 23 have been rejected under 35 USC §103(a) as being unpatentable over U.S. Patent D440,404, granted April 17, 2001, to Naslund ("Naslund") in view of U.S. Patent 6,353,958, granted March 12, 2002, to Weihrauch ("Weihrauch") and the present specification. Reconsideration and withdrawal of the rejection are respectfully requested in view of the following remarks.

Applicant submits that new claim 24 replaces claim 1, and is drafted to make clear the scope of the invention. In particular, the relative dimensions of the tip pad and the intermediate pad have been clarified. New claim 24 also clarifies that there is an air gap between the sections allowing relative movement of the sections, support for which can be found at page 7, line 7-9 of the specification. In addition, new claim 24 clarifies that the tip and intermediate pads carry plural tufts of bristles, support for which can be found at page 3, line 24 and page 4, line 24 of the specification. Further, claim 24 clarifies that the claimed toothbrush head consists of a single widened part of the middle section being the tip pad, and a single widened part of the middle section being the intermediate pad, linked to each other by a first link region and linked to the handle of the toothbrush by a second link region.

Naslund discloses a toothbrush with a grip handle and with its head divided into widthways adjacent sections. These sections are subdivided longitudinally into plural bristle carrying units. In Naslund there is a bristle carrying unit at the tip end of the

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head furthest from the handle, and four further bristle carrying units regularly spaced along the length of the middle section.

The Action alleges that Naslund discloses all of the features of claim 1 except for the resilient connection of the head to the handle, which is disclosed in Weihrauch. This interpretation appears to be that the bristle carrying unit of Naslund which is closest to the toothbrush handle corresponds to the present claimed "only one" intermediate pad. The Examiner sets out in detail where in Naslund the specific features of cancelled claim 1 are alleged to be represented.

New independent claim 24 is directed to a specific construction of the head of the claimed toothbrush. The claimed toothbrush consists sequentially of a tip pad, with a narrowed first link region linking this to an intermediate pad, that is two pads, and then a narrowed second link region linking the intermediate pad to the toothbrush handle. The length of the tip pad and the intermediate pad are claimed in new claim 24 and are of substantially greater length than the bristle carrying units of Naslund. No function for the construction of toothbrush head disclosed in Naslund is given, but the advantage of the present claimed construction is explained on page 8, line 8-15 in that the use of only two pads enables the bristles to be concentrated at points approximating to the positions of the teeth. In contrast, the cleaning ability of Naslund is dispersed over the entire toothbrush head. The uniform distribution of Naslund does not suggest the limitation to only two pads as now claimed, or the size of these pads.

The Action alleges that Weihrauch discloses use of an elastomeric material between widthways parts of necks, specifically in Figs. 5-6. Applicant disagrees with this interpretation. Weihrauch does no more than to disclose a construction of toothbrush in which the toothbrush head (1) is flexibly connected to the handle (20) by means of a flexible neck (3,4), and in particular to disclose a specific construction of flexible neck. Further, the Action alleges that Weihrauch discloses "*elastomeric material between widthways parts of necks (as particularly shown I Figs 5-6)*". This allegation is incorrect, because in Figs. 5 and 6 the disclosed spring part (4,15) is stated to be made of a material of higher modulus of elasticity than the plastic of the toothbrush body, preferably the glass fibre-reinforced plastic, i.e., a stiffer material (see col. 2, lines 52-53 and col. 4, lines 51-56). Such a higher modulus material is the opposite and a teaching away of a less-stiff elastomeric i.e., rubber material as presently claimed. In fact, there is no disclosure or suggestion whatsoever of an elastomeric material in Weihrauch.

Consequently, Naslund does not make obvious the toothbrush construction of present independent parent claim 24, and Weihrauch teaches nothing except a flexible

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neck between the head and the handle, and makes no mention of an elastomer material. Therefore claim 24 is not obvious over the combination of Naslund and Weihrauch. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-3, 5-13, and 20 have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent 5,802,656, granted September 8, 1998, to Dawson et al. ("Dawson") in view of U.S. Patent 4,520,526, granted June 4, 1985, to Peters ("Peters"). The Action alleges that Dawson discloses a toothbrush head having the features of the toothbrush of the invention, in particular having three widthways adjacent sections (6,6,23). The Action further alleges that Peters discloses a flexible neck link connection to the toothbrush handle.

Claim 24 defines the scope of the invention by clarifying that there is an air gap between the widthways adjacent sections which allows relative movement of the sections. It can clearly be seen from especially Fig. 8 and 9 of Dawson that there is no air gap between the sections 6,6,23. In Dawson the middle section 23 supports the two sideways sections 6,6 and these sideways sections 6,6 remain firmly fixedly attached at their inner side to the middle section 23 so there is no relative movement between the sideways sections 6,6 and the middle section. This is consistent among all of the illustrated embodiments in Dawson. In Dawson the individual tufts are able to move in a "toggle" movement relative to each other. In col. 1, lines 41-50 Dawson discusses the background to his invention, in particular referring to toothbrushes that have heads comprised of jointed portions or segments. Dawson states that "*a disadvantage of such segments is that unwanted foreign matter can accumulate in spaces between the segments and that individual tufts cannot articulate independently of one another thereby reducing cleaning and plaque removal efficacy*".

Peters merely discloses a particular construction of flexible neck between the head of the toothbrush, and does not disclose or suggest any features of the toothbrush head.

Therefore, the present claimed invention of claim 24 is not obvious over Dawson because in Dawson there is no disclosure of the claimed air gap or movement of the sideways sections relative to the middle section. Dawson points away from the present invention of claim 24, because Dawson aims to avoid the use of segments with air gaps in between them in which foreign matter might accumulate. Peters fails to disclose any subject matter which might motivate a skilled artisan to modify the teaching in Dawson to lead to the combination of features of present claim 24.

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Thus, a *prima facie* case of obviousness has not been established by the combination of Dawson and Peters. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 21 has been rejected under 35 U.S.C. §103(a) as unpatentable over Dawson in view of Peters as applied to claim 20 in view of U.S. Patent Application 2001/0042280, published November 22, 2001, to Moskovitch et al. ("Moskovitch"). Favorable reconsideration of the rejection is requested.

Claim 21 is dependent upon claim 24. For the reasons stated above, Applicants assert that claim 24 is not obvious over the combination of Dawson and Peters. Moskovitch discloses a toothbrush head which is of unitary construction not divided into widthways sections. Therefore, Moskovitch does not teach or suggest anything that would lead the skilled reader to provide air gaps between the side and central sections of Dawson. Therefore the combination of features claimed in claim 21 as dependent on claim 24 are not made obvious by the combination of Dawson, Peters and Moskovitch. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 21 has been rejected under 35 U.S.C. §103(a) as unpatentable over Naslund in view of Weihrauch and Moskovitch. Favorable reconsideration of the rejection is requested.

Claim 21 is dependent upon parent claim 24. For the reasons stated above, Applicants assert that claim 24 is non-obvious over the combination of Naslund and Weihrauch. The Action alleges that the disclosure of longitudinal spacing between the bristle tufts in Moskovitch makes obvious the spacing between the tip and intermediate pads claimed in present claim 21.

Moskovitch discloses a toothbrush head which is of unitary construction not divided into widthways sections. Furthermore, Moskovitch discloses specific arrangements of bristle heights e.g., col. 2, paragraph 0008, comprising convex bulging clusters of tufts with intermediate valleys as seen in Fig. 2 or crossed over bristle tufts as seen in Fig. 4. The effect of the arrangement of bristles is to subdivide the bristle pattern into "three sections" para 008 line 3 being longitudinally disposed, and this requirement for three sections is maintained in all the embodiments of Moskovitch.

By contrast, the head of the present claimed toothbrush is made up of two longitudinally disposed bristle carrying pads. There is no suggestion in Moskovitch that the present two bristle carrying pads can be used in combination with multiple widthways sections. Therefore the combination of features claimed in claim 21, as

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dependent on new claim 24, are not made obvious by the combination of Dawson, Peters and Moskovitch. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, favorable reconsideration of claims 2, 3, 6, 7, 10, 13, 16-19 and 21-23, favorable consideration of claims 24-28 and allowance of this application with claims 2, 3, 6, 7, 10, 13, 16-19 and 21-28 are earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Nora Stein-Fernandez".

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